

Army Espionage on the Homefront

By Carrie Johnson

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MILITARY surveillance of civilians is a practice usually associated with tyrannies, not free societies. Yet thanks to revelations by former Army intelligence officers and Senator Sam Ervin's persistent probes, the public has learned that, at least from 1967 to 1970, a considerable number of American soldiers spent considerable time and effort spying on American citizens and building dossiers on politically active people and groups. Now a staff report from Sen. Ervin's subcommittee on constitutional rights has documented just how vast, uncontrolled and essentially aimless that surveillance was.

The report is admittedly incomplete. Since Army officials have declined to provide some key documents, Sen. Ervin and his staff, despite two years of digging, have been unable to uncover all of the intelligence efforts conducted by our armed forces on the home front. But they have concluded that, before the Nixon administration ordered an end to political surveillance in 1970, various Army units had maintained over 30 separate records centers with "substantial files on civilian political activity." Allowing for duplications in these scattered, secret, uncoordinated data banks, the report estimates that Army intelligence "had reasonably current files" on at least 100,000 civilians and thousands of groups—some prominent, many obscure, all unaffiliated with the military, and most engaged in peaceful activities well within the ambit of the First Amendment.

In the classic mode of files created for the sake of squirreling, the dossiers were both sweeping and sloppy. Various file cards and computer tapes included entries on everything from the subjects' public appearances and statements to private financial affairs, medical and psychiatric histories, arrest records, travel and family connections—in short, snatches of data gathered indiscriminately, without regard for accuracy, relevance or rights of privacy.

During Sen. Ervin's hearings last year, Army spokesmen went to great lengths to attribute this elaborate surveillance program to top-level civilian directives in 1967 to improve the Army's capability to handle major civil disorders. Yet most of the data amassed, and most of the people and events scrutinized, had no conceivable relevance to urban disturbances.

What, then, was the point? The staff report concludes that "Army intelligence, uncertain

of its stateside mission, took refuge in surveillance and dossier-building," apparently overlooking the possibility that Army intelligence might have no legitimate stateside role in civilian law enforcement at all. The result, the report says, is "a great collection of information which gives the illusion of knowledge" but overall is marked by its "utter uselessness."

It would be cavalier to write off the Army's spying as a wrong-headed, wasteful, but concluded chapter in the history of a troubled time. For one thing, Sen. Ervin is not sure the case is closed. The Army is unable or unwilling to confirm that orders to destroy the files have been fully carried out, and copies of some dossiers may still be squirreled away, replete with miscellaneous, misleading information. Second, spying on civilians may be more a military habit than an aberration. Some domestic surveillance by military intelligence units seem to date back at least to 1940, and Sen. Ervin has found Defense Department officials extremely reluctant to declassify vital documents or furnish hard facts on current practice.

Finally, there is the overwhelming fact that this occurred: that military units, operating in secret, were able and anxious to collect such reams of data on the lawful activities and private lives of thousands of civilians, and that this snooping and note-taking continued on a massive scale, without legal authority, without legitimate goal, without effective civilian control, without congressional or public knowledge, for at least three years. True, the whole astounding adventure was "useless" in the sense that the files apparently were never used. But the potential for mischief, character assassination and repression was enormous and indeed may still exist, awaiting only someone, high or low in government, who has access and a persecutors' itch. Even the possibility of such surveillance, especially by the military, casts a shadow on the Bill of Rights. Sen. Ervin and his staff have performed a great service by ferreting out what the Army was up to. The entire Congress should now insure, through legislation and oversight that such military spying has been ended and will not be revived. Then we can turn back to the challenging task of keeping civilians in government from trampling on their fellow citizens' rights of privacy, association and free speech.